

DECLARATION FOR PATENT APPLICATION

Docket No. A-1028

As a below named inventor, I hereby declare that:

My residence post office address and citizenship are as stated below next to my name.

I believe I am the original first and sole inventor (if only one name is listed below) or an original first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled TISSUE MARKING DEVICE

_____ the specification of which

(check one)

☐

is attached hereto

☒

was filed on September 16, 1994

as Application Serial No. 08/308,097

and was amended on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Office all information known to me to be material to the patentability of this application as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Claimed

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

☐ Yes ☐ No

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose to the Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

(Application Number)

(Filing Date)

(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Donald E. Stout

Address all telephone calls to Donald E. Stout at telephone number (714) 366-3600

Address all correspondence to Donald E. Stout
Peterson, Uxa & Myers
910 Calle Negocio, Suite 280
San Clemente, CA 92673-6201

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Seth A. Foerster

Date 11-1-94

Inventor's signature Seth A. Foerster

Residence San Clemente, California

Citizenship U.S.A.

Post Office Address 758 Via Otono, San Clemente, CA 92672

Full name of second joint inventor (given name, family name) Fred H. Burbank

Date 11/2/94

Second Inventor's signature Fred Burbank

Residence San Juan Capistrano, California

Citizenship U.S.A.

Post Office Address 30982 Steeplechase Drive, San Juan Capistrano, CA 92675

Full name of third joint inventor (given name, family name) Mark A. Ritchart

Date 11-1-94

Third Inventor's signature Mark A. Ritchart

Residence Murietta, California

Citizenship U.S.A.

Post Office Address 41045 Willowbend Drive, Murietta, CA 92563

Full name of fourth joint inventor (given name, family name) Elias A. Zerhouni

Date 11-4-94

Fourth Inventor's signature Elias A. Zerhouni

Residence Baltimore, Maryland

Citizenship U.S.A.

Post Office Address 5 Rocklandvue Court, Baltimore, MD 21204

Applicant or Patentee: Foerster et al
Serial or Patent No.: 08/308,097
Filed or Issued: 16 September 1994
Title: METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE

Docket No.: A-1028

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) & 1.27(e))—SMALL BUSINESS CONCERN

I hereby declare that I am

- ☐ the owner of the small business concern identified below.
☒ an official of the small business concern empowered to act on behalf of the concern identified below.

NAME OF SMALL BUSINESS CONCERN Biopsys Medical, Inc.
ADDRESS OF SMALL BUSINESS CONCERN 27130 A Paseo Espada, Suite 1424
San Juan Capistrano, CA 92675

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled: METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE
by inventor(s): Seth A. Foerster, Fred H. Burbank, Mark A. Ritchart, and Elias A. Zerhouni
described in

- ☐ the specification filed herewith
☒ application serial no. 08/308,097, filed 16 September 1994
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION
NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statement made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Steven L. Gex
TITLE OF PERSON IF OTHER THAN OWNER President
ADDRESS OF PERSON SIGNING 27130 A Paseo Espada, Suite 1424, San Juan Capistrano, CA 92675

SIGNATURE X 

DATE X 10/4/94

Applicant or Patentee: Foerster et al
Serial or Patent No.: 08/308,097
Filed or Issued: 16 September 1994
Title: METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE

Docket No. A-1028

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 C.F.R. 1.9(f) & 1.27(b))—INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 C.F.R. 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE described in

- ☐ the specification filed herewith
☒ application serial no. 08/308,097, filed 16 September 1994
☐ patent no. _____ issued _____

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 C.F.R. 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 C.F.R. 1.9(d) or a nonprofit organization under 37 C.F.R. 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ no such person, concern, or organization
☒ persons, concerns or organizations listed below*

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 C.F.R. 1.27)

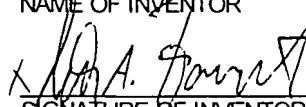
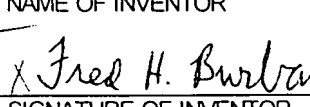
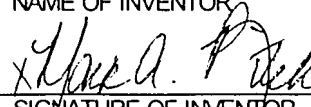
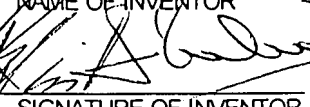
FULL NAME Biopsys Medical, Inc
ADDRESS 27130 A Paseo Espada, Suite 1424, San Juan Capistrano, CA 92675
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____
ADDRESS _____
☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

<u>SETH A. FOERSTER</u> NAME OF INVENTOR	<u>FRED H. BURBANK</u> NAME OF INVENTOR	<u>MARK A. RITCHART</u> NAME OF INVENTOR	<u>ELIAS A. ZERHOUNI</u> NAME OF INVENTOR
 SIGNATURE OF INVENTOR	 SIGNATURE OF INVENTOR	 SIGNATURE OF INVENTOR	 SIGNATURE OF INVENTOR
X <u>10/13/94</u> DATE	X <u>10/13/94</u> DATE	X <u>10-13-94</u> DATE	X <u>10-6-94</u> DATE



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

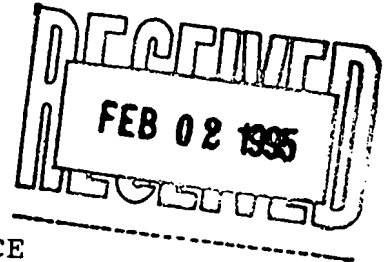
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DATE: 01/06/95

TO:

N06B

PETERSON, UXA & MYERS
DONALD E. STOUT
910 CALLE NEGOCIO, STE. 280
SAN CLEMENTE, CA 92673-6201



UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR:

FOERSTER, SETH A.

DOC DATE: 10/13/94

ASSIGNOR:

BURBANK, FRED H.

DOC DATE: 10/13/94

ASSIGNOR:

RITCHART, MARK A.

DOC DATE: 10/13/94

ASSIGNOR:

ZERHOUNI, ELIAS A.

DOC DATE: 10/06/94

RECORDATION DATE: 11/25/94 NUMBER OF PAGES 006 REEL/FRAME 7237/0062

DIGEST : ASSIGNMENT OF ASSIGNORS INTEREST

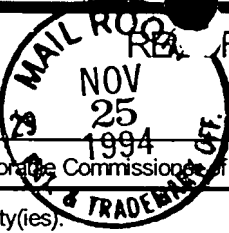
ASSIGNEE:

BIOPSYS MEDICAL, INC.
27130 A PASEO ESPADA, STE. 1424
SAN JUAN CAPISTRANO, CA 92675

SERIAL NUMBER 8-308097
PATENT NUMBER

FILING DATE 09/16/94
ISSUE DATE 00/00/00

EXAMINER/PARALEGAL
ASSIGNMENT BRANCH
ASSIGNMENT/CERTIFICATION SERVICES DIVISION



REGISTRATION FORM COVER SHEET
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

40.20-581-AID

To the: Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Seth A. Foerster, Fred H. Burbank, Mark A. Ritchart,
Elias A. Zerhouni

Additional name(s) of conveying party(ies) attached? ☐ Yes ☒ No

2. Name and address of receiving party(ies)

Name: Biopsys Medical, Inc

Internal Address:

Street Address:

27130 A Paseo Espada, Suite 1424
San Juan Capistrano, CA 92675

Additional name(s) & address(es) attached? ☐ Yes ☐ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

Execution Date:

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is:

A. Patent Application No.(s) 08/308,097

B. Patent No.(s)

Additional numbers attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Donald E. Stout

Internal Address:

Street Address:

Peterson, Uxa & Myers
910 Calle Negocio, Suite 280
San Clemente, CA 92673-6201

6. Total number of applications and patents involved:

7. Total fee (37 CFR 3.41).....\$ 40

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

9. Statement and signature.

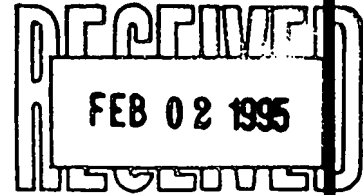
To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Donald E. Stout
Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments and document:



RECEIVED
94 DEC 28 AM 2:57
REEL 7237 FRAME 62

93724408

WHEN RECORDED, RETURN TO: Donald E. Stout
910 Calle Negocio #280
San Clemente, CA 92673-6201

A-1028

ASSIGNMENT

WHEREAS, we, SETH A. FOERSTER of San Clemente, State of California, FRED H. BURBANK of San Juan Capistrano, State of California, MARK A. RITCHART of Murrieta, State of California, and ELIAS A. ZERHOUNI of Baltimore, State of Maryland have invented certain new and useful improvements in METHODS AND DEVICES FOR MARKING AND DEFINING TISSUE for which the said SETH A. FOERSTER has this 13th day of OCTOBER, 1994, executed application papers for United States Letters Patent thereon, for which the said FRED H. BURBANK has this 13th day of OCTOBER, 1994, executed application papers for United States Letters Patent thereon; for which the said MARK A. RITCHART has this 13th day of OCTOBER, 1994, executed application papers for United States Letters Patent thereon; and for which the said ELIAS A. ZERHOUNI has this 6th day of October, 1994, executed application papers for United States Letters Patent thereon; a patent application having been filed on 16 September 1994, and assigned U.S. Serial No. 08/308,097, and

WHEREAS, BIOPSYS MEDICAL, a Corporation of the State of California, hereinafter called Assignee, having its place of business at 27130 A Paseo Espada, Suite 1424, San Juan Capistrano, California 92675 is desirous of acquiring the entire right, title and interest in and to the aforesaid invention and in and to any and all Letters Patent therefor granted in the United States of America, and in any and all countries foreign thereto;

NOW, THEREFORE, TO WHOM IT MAY CONCERN, be it known that, for and in consideration of the sum of ONE DOLLAR (\$1.00) to us in hand paid by Assignee, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, we, SETH A. FOERSTER, FRED H. BURBANK, MARK A. RITCHART and ELIAS A. ZERHOUNI by these presents sell, assign and transfer unto Assignee, its successors and assigns, the full and exclusive right, title and interest for the territory of the United States of America and all countries foreign thereto (including the right to apply for Letters Patent in foreign countries in its own name and to claim any priority rights for such foreign applications to which such applications are entitled under international conventions, treaties, or otherwise), in and to the said invention as described in said application, and in and to all Letters Patent granted therefor, and all divisions, reissues and continuations thereof, and we hereby authorize and request the Commissioner of Patents and Trademarks to issue all Letters Patent on said inventions or resulting therefrom to said Assignee, as assignee of the entire right, title and interest, and we covenant that we have full right so to do and agree that we will communicate to said Assignee, or its successors any and all facts known to us regarding said invention whenever requested, sign all lawful papers, and

REEL 1237 FRAME 063

Executed this 13th day of OCTOBER, 1994.

Mark A. Ritchart

MARK A. RITCHART

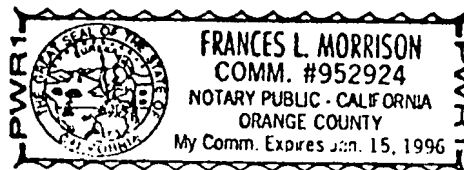
STATE OF CALIFORNIA /

COUNTY OF ORANGE /

On October 13th 1994, before me Frances L. Morrison personally appeared MARK A. RITCHART personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature Frances L. Morrison



SEAL

REEL 1237 FRAME 64

generally do everything possible to aid said Assignee, its successors and assigns, to obtain and enforce proper patent protection for said invention in all countries.

Executed this 13th day of OCTOBER, 1994

Seth A. Foerster
SETH A. FOERSTER

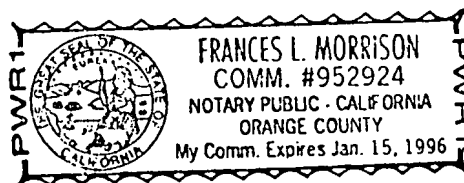
STATE OF CALIFORNIA /

COUNTY OF ORANGE /

On October 13th, 1994, before me Frances L. Morrison personally appeared SETH A. FOERSTER personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Signature *Frances L. Morrison*



SEAL

REEL 1237 FRAME 065

Executed this 13th day of OCTOBER, 1994.

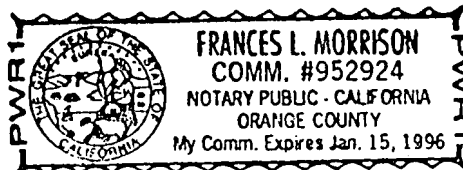
Fred H. Burbank
FRED H. BURBANK

STATE OF CALIFORNIA /
 /
COUNTY OF ORANGE /

On October 13th 1994, before me Frances L. Morrison,
personally appeared FRED H. BURBANK personally known to me (or proved to me
on the basis of satisfactory evidence) to be the person(s) whose name(s) is/~~are~~
subscribed to the within instrument and acknowledged to me that he/~~she~~/they executed
the same in his/~~her~~/their authorized capacity(ies), and that by his/~~her~~/their signature(s)
on the instrument the person(s) or the entity upon behalf of which the person(s) acted,
executed the instrument.

Witness my hand and official seal.

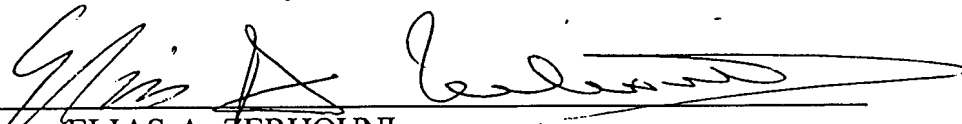
Signature Frances L. Morrison



SEAL

REEL 1237 FRAME 66

Executed this 6 day of October, 1994.


ELIAS A. ZERHOUNI

STATE OF MARYLAND /

COUNTY OF /

On October 6, 1994, before me Elias A. Zerhouni
personally appeared ELIAS A. ZERHOUNI personally known to me (or proved to
me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed
the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s)
on the instrument the person(s) or the entity upon behalf of which the person(s) acted,
executed the instrument.

Witness my hand and official seal.

Signature Elin J. Brown 1-1-96

SEAL

NOV 25 94
RECORDED
PATENT AND TRADEMARK
OFFICE

REEL 1237 FRAME 67